

PREVAILED

Roll Call No. _____

FAILED

Ayes _____

WITHDRAWN

Noes _____

RULED OUT OF ORDER

HOUSE MOTION _____

MR. SPEAKER:

I move that House Bill 1829 be amended to read as follows:

- 1 Page 1, between the enacting clause and line 1, begin a new
- 2 paragraph and insert:
- 3 "SECTION 1. IC 31-9-2-0.5, AS AMENDED BY P.L.133-2000,
- 4 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
- 5 JULY 1, 2001]: Sec. 0.5. (a) "Abandoned infant", for purposes of
- 6 IC 31-34-21-5.6, means:
- 7 (1) a child who is less than twelve (12) months of age and whose
- 8 parent, guardian, or custodian has knowingly or intentionally left
- 9 the child in:
- 10 (A) an environment that endangers the child's life or health; or
- 11 (B) a hospital or medical facility;
- 12 and has no reasonable plan to assume the care, custody, and
- 13 control of the child; or
- 14 (2) a child who is, or who appears to be, not more than ~~thirty (30)~~
- 15 **forty-five (45)** days of age and whose parent:
- 16 (A) has knowingly or intentionally left the child with an
- 17 emergency medical services provider; and
- 18 (B) did not express an intent to return for the child.
- 19 **(b) "Abandoned infant", for purposes of IC 31-34-21-4 and**
- 20 **IC 31-35-2-6.5, means a child who is, or who appears to be, not**
- 21 **more than forty-five (45) days of age and whose parent:**
- 22 **(1) has knowingly or intentionally left the child with an**
- 23 **emergency medical services provider; and**
- 24 **(2) did not express an intent to return for the child."**

Page 1, line 13, delete "has the right to remain anonymous" and insert **"is not obligated to disclose the parent's name"**.

Page 2, delete lines 11 through 25, begin a new paragraph and insert:

"SECTION 4. IC 31-34-5-1.5 IS ADDED TO THE INDIANA CODE AS A NEW SECTION TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: **Sec. 1.5. (a) This section applies to a child taken into custody under IC 31-34-2.5.**

(b) The juvenile court shall hold a detention hearing after an emergency medical services provider takes custody of a child under IC 31-34-2.5. The court shall hold the detention hearing not later than forty-eight (48) hours after the emergency medical services provider takes the child into custody, excluding Saturdays, Sundays, and legal holidays.

(c) The county office of family and children may notify the emergency medical services provider that has taken emergency custody of a child under IC 31-34-2.5 of the detention hearing. The emergency medical services provider may be heard at the detention hearing.

SECTION 5. IC 31-34-10-2, AS AMENDED BY P.L.133-2000, SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 2. (a) The juvenile court shall hold an initial hearing on each petition.

~~(b) Subject to section 2.5 of this chapter,~~ The juvenile court shall set a time for the initial hearing. A summons shall be issued for the following:

(1) The child.

(2) The child's parent, guardian, custodian, or guardian ad litem.

(3) Any other person necessary for the proceedings.

(c) A copy of the petition must accompany each summons. The clerk shall issue the summons under Rule 4 of the Indiana Rules of Trial Procedure."

Page 3, delete lines 41 through 42, begin a new paragraph and insert:

"(f) If the parent of an abandoned child does not disclose the parent's name as allowed by IC 31-34-2.5-1(c), the parent is not required to be notified of a proceeding described in subsection (a)."

Page 4, delete line 1.

Page 4, between lines 1 and 2, begin a new paragraph and insert:

"SECTION 6. IC 31-34-21-5.6, AS AMENDED BY P.L.133-2000, SECTION 8, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2001]: Sec. 5.6. (a) A court may make a finding described in this section at any phase of a child in need of services proceeding.

(b) Reasonable efforts to reunify a child with the child's parent, guardian, or custodian or preserve a child's family as described in

section 5.5 of this chapter are not required if the court finds any of the following:

(1) A parent, guardian, or custodian of a child who is a child in need of services has been convicted of:

(A) an offense described in IC 31-35-3-4(1)(B) or IC 31-35-3-4(1)(D) through IC 31-35-3-4(1)(J) against a victim who is:

- (i) a child described in IC 31-35-3-4(2); or
- (ii) a parent of the child; or

(B) a comparable offense as described in clause (A) in any other state, territory, or country by a court of competent jurisdiction.

(2) A parent, guardian, or custodian of a child who is a child in need of services:

(A) has been convicted of:

- (i) the murder (IC 35-42-1-1) or voluntary manslaughter (IC 35-42-1-3) of a victim who is a child described in IC 31-35-3-4(2)(B) or a parent of the child; or
- (ii) a comparable offense described in item (i) in any other state, territory, or country; or

(B) has been convicted of:

- (i) aiding, inducing, or causing another person;
- (ii) attempting; or
- (iii) conspiring with another person;

to commit an offense described in clause (A).

(3) A parent, guardian, or custodian of a child who is a child in need of services has been convicted of:

(A) battery (IC 35-42-2-1 (a)(4)) as a Class B felony;

(B) battery (IC 35-42-2-1(a)(3)) as a Class C felony;

(C) aggravated battery (IC 35-42-2-1.5);

(D) criminal recklessness (IC 35-42-2-2(c)) as a Class C felony;

(E) neglect of a dependent (IC 35-46-1-4) as a Class B felony;

or

(F) a comparable offense described in clauses (A) through (E) in another state, territory, or country;

against a child described in IC 31-35-3-4(2)(B).

(4) The parental rights of a parent with respect to a biological or adoptive sibling of a child who is a child in need of services have been involuntarily terminated by a court under:

(A) IC 31-35-2 (involuntary termination involving a delinquent child or a child in need of services);

(B) IC 31-35-3 (involuntary termination involving an individual convicted of a criminal offense); or

(C) any comparable law described in clause (A) or (B) in any other state, territory, or country.

- (5) The child is an abandoned infant, provided that the court:
- (A) has appointed a guardian ad litem or court appointed special advocate for the child; and
 - (B) after receiving a written report and recommendation from the guardian ad litem or court appointed special advocate, and after a hearing, finds that reasonable efforts to locate the child's parents or reunify the child's family would not be in the best interests of the child. ~~However, there is a rebuttable presumption that it is not in the best interests of the child to locate the child's parent or reunify the child's family if the child was left with an emergency medical services provider who took custody of the child under IC 31-34-2.5."~~

Page 5, delete lines 27 through 29, begin a new paragraph and insert:

"(h) If the parent of an abandoned child does not disclose the parent's name as allowed by IC 31-34-2.5-1(c), the parent is not required to be notified of a hearing described in subsection (c)."

Page 5, after line 29, begin a new paragraph and insert:

"SECTION 8. IC 31-34-10-2.5 IS REPEALED [EFFECTIVE JULY 1, 2001]."

Renumber all SECTIONS consecutively.

(Reference is to HB 1829 as printed February 21, 2001.)

Representative Aguilera